

Atty. Dkt. No. 033946-0301

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2-6, 8-20 and 22-29 are pending. Claims 2, 9, 15, 17, 22 and 27 are currently amended. No amendments have been made to obviate the prior art or to overcome a rejection for patentability.

Claims 2, 9, 15, 17, 22, and 27 have been amended to provide better understanding by the Examiner. Claims 17-26 were withdrawn from consideration by the Examiner. Withdrawn claims 17, 22 and 23 were previously amended for purposes of rejoinder in accordance with MPEP § 821.04.

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. The Examiner is encouraged to contact the undersigned at the telephone number listed below so that any unresolved issues may be resolved without the need for additional action and response thereto.

The Examiner is again reminded to comply with MPEP § 821.04 by examining the claims of Group II (claims 17-20; including new claims 27-29) and Group III (claims 21-26) following rejoinder with the Group I claims.

Rejection under 35 U.S.C. §112, Second Paragraph

Although claim 1 is no longer pending, Applicants note that the rejection of this claim as allegedly being indefinite for reciting a hydrocarbonyl bridge wherein at least one carbon atom may be replaced by Si is language present in claims 2, 22 and 27. Applicants submit that although there may be other ways of claiming such a limitation, the language used by Applicant is not unclear. When determining definiteness, the proper standard to be applied is "whether one skilled in the art would understand the bounds of the claim when read in the light of the specification." *Credle v. Bond*, 30 USPQ2d 1911, 1919 (Fed.Cir.1994). See also *Miles*

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Laboratories, Inc. v. Shandon, Inc., 27 USPQ2d 1123, 1127 (Fed.Cir.1993) ("If the claims read in the light of the specification reasonably apprise those skilled in the art of the scope of the invention, § 112 demands no more"). Applicant submits, therefore, that claims 2, 22 and 27 are not indefinite.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

9/5/05

By

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